

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

1:20-cv-57

MATTHEW DILLARD, Administrator)
of the Estate of Melissa Rice,)
Plaintiff,)
v.)
CHIP HALL, in his official capacity as)
Sherriff of Jackson County; WESTERN)
SURETY COMPANY, surety for the)
Sheriff; JOHN BUCHANAN, in his)
official and individual capacity;)
SHEILA AKINS, in her official capacity)
and individual capacity,)
RIDGE PARRIS in his official)
and individual capacity; STEPHEN)
WATSON, in his official and individual)
capacity; ANIYAH McMULLEN,)
in her official and individual capacity,)
EMILY COUVILLON, in her official)
and individual capacity;)
SHONDRA COLLINI, in her official)
and individual capacity;)
JUSTIN NICHOLSON, in official and)
individual capacity, and KAYLA)
ELLIOTT, in her official and)
Individual capacity; KAITLYN)
BRADLEY, in her official and)
Individual capacity.)
Defendants)
_____)

PLAINTIFF'S MOTION

FOR PARTIAL SUMMARY JUDGEMENT

NOW COMES the Plaintiff, on behalf of the Estate of Melissa Rice, pursuant to Rule 56 of Federal Rules of Civil Procedure, and hereby moves the honorable Court for an Order granting summary judgement against Defendants Hall, Buchanan, Akins, Elliott, McMullen, Couvillon, Collini, Bradley and Nicholson for wrongful death

under the doctrine of negligence per se and negligence. In support of this motion Plaintiff submits: 1) pleadings, 2) documents filed in this action, and 3) Plaintiff's Memorandum of Law and supporting exhibits. Plaintiff requests oral arguments be permitted on this matter.

There is no genuine issue of material fact as to these issues and Plaintiff is entitled to a judgement in their favor as a matter of law.

WHEREOF, Plaintiff Matthew Dillard, Administrator for the Estate of Melissa Rice, moves this honorable Court for an Order granting partial summary judgement on the First and Second Causes of Action stated in the Amended Complaint, and such other and further relief as the Court deems just and proper.

Filed this the 17th day of May, 2021.

Thomas F. Ramer

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CERTIFICATE OF SERVICE

I certify that I have served the preceding Plaintiff's Motion for Partial Summary Judgment on Jake Stewart and Patrick Flanagan, attorneys for defendants by electronic transmittal to:

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Ganly & Ramer

By: /s/ Thomas F. Ramer

Dated: May 17, 2021